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**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

In re

QB WASH LLC,

Debtor.

Chapter 7

Case No. 1-21-40301-ess

**APPLICATION PURSUANT TO LOCAL BANKRUPTCY RULE 2090-1(d)
FOR ORDER AUTHORIZING WITHDRAWAL OF ROSENBERG & ESTIS, P.C.
AS COUNSEL TO 138-77 QUEENS BLVD LLC, AND APPROVING THE
SUBSTITUTION OF WINDELS MARX LANE & MITTENDORF, LLP
AS COUNSEL TO 138-77 QUEENS BLVD LLC**

**TO THE HONORABLE ELIZABETH S. STONG,
UNITED STATES BANKRUPTCY JUDGE:**

138-77 Queens Blvd LLC (“*138-77 Queens Blvd*”), respectfully submits this application for entry of an Order pursuant to Local Bankruptcy Rule 2090-1(d) authorizing Rosenberg & Estis, P.C. (“*Rosenberg & Estis*”) to withdraw and be relieved as counsel to 138-77 Queens Blvd, and approving Windels Marx Lane & Mittendorf, LLP (“*Windels Marx*”) as attorneys to replace and substitute for Rosenberg & Estis as counsel to 138-77 Queens Blvd in this case; and in support thereof, states as follows:

1. On February 8, 2021, the captioned Debtor commenced this case by filing a voluntary petition for relief under chapter 7 of title 11, United States Code, 11 U.S.C. §§ 101 et seq. (“*Bankruptcy Code*”).

2. On March 12, 2021, Rosenberg & Estis filed a notice of appearance in this case as counsel for 138-77 Queens Blvd.

3. 138-77 Queens Blvd has determined in its discretion to be represented by counsel of its choice, as is its right. *See*, Part 1200 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

4. Accordingly, 138-77 Queens Blvd wishes to employ and retain Windels Marx as its counsel in this case under a general retainer. Windels Marx is a New York limited liability partnership engaged in the practice of law, whose New York offices are located at located at 156 West 56th Street, New York, New York 10019. The attorneys of Windels Marx that will be assigned to this matter are duly admitted to practice before this Court and are well qualified to represent 138-77 Queens Blvd in this case.

5. Windels Marx is a well-established firm with extensive experience in bankruptcy matters.

6. There are no pending applications or other matters before the Court that would be affected by the proposed substitution of counsel.

7. Rosenberg & Estis consents to the proposed substitution of counsel.

8. To the best of 138-77 Queens Blvd's knowledge, Windels Marx represents no entity in connection with this case, is a disinterested person and represents or holds no interest adverse to that of 138-77 Queens Blvd with respect to the matters for which it is to be retained, and the employment of said firm as counsel for 138-77 Queens Blvd would be in its best interests.

9. 138-77 Queens Blvd desires to employ Windels Marx as counsel under a general retainer to perform all required legal services in this case, and anticipates that Windels Marx shall render legal advice to 138-77 Queens Blvd, take or to commence any action that may be appropriate, and perform such other legal services as may be required by 138-77 Queens Blvd in


the furtherance of its interests in this case.

WHEREFORE, 138-77 Queens Blvd requests that this Court enter the attached Order authorizing the withdrawal of Rosenberg & Estis as its counsel in this case, substituting Windels Marx as counsel, and granting such other and further relief as is just.

Dated: New York, New York
April 22, 2021

Respectfully submitted,

138-77 Queens Blvd LLC

By: 
Ethan Wohl, Manager
362 Highland Avenue
Montclair, New Jersey 07043

WINDELS MARX LANE & MITTENDORF, LLP
Proposed Substitute Counsel for 138-77 Queens Blvd LLC

By: /s/ Alan Nisselson
Alan Nisselson
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ROSENBERG & ESTIS, P.C.
Proposed Withdrawing Counsel for 138-77 Queens Blvd LLC

By: /s/ John D. Giampolo
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**UNITED STATES BANKRUPTCY COURT
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**DECLARATION OF ALAN NISSELSON PURSUANT TO
LOCAL BANKRUPTCY RULE 2090-1(d)**

I, ALAN NISSELSON, pursuant to 28 U.S.C. § 1746, declare the following:

1. I make this Declaration pursuant to Local Bankruptcy Rule 2090-1(d) in support of the Application of 138-77 Queens Blvd LLC (“*138-77 Queens Blvd*”), for entry of an Order authorizing Rosenberg & Estis, P.C. (“*Rosenberg & Estis*”) to withdraw and be relieved as counsel to 138-77 Queens Blvd, and approving Windels Marx Lane & Mittendorf, LLP (“*Windels Marx*”) as attorneys to replace and substitute for Rosenberg & Estis as counsel to 138-77 Queens Blvd in this case.

2. I make this Declaration based upon my own personal knowledge or upon information that I believe to be true, including the facts set forth in the Application.

3. I am an attorney duly admitted to practice before the bar of the State of New York and the United States District Court for the Eastern District of New York. I am a member of the law firm of Windels Marx, with offices located at 156 West 56th Street New York, New York 10019, and whose members and associates who will be assigned to this matter are duly admitted to practice in this Court.

4. Neither I, Windels Marx, nor any member or associate thereof, insofar as I have been able to ascertain, have any connection with 138-77 Queens Blvd, or any party in interest herein, except that the law firm may represent or may have represented one or more of the

captioned Debtor's creditors in matters unrelated to this case or to any other matter involving 138-77 Queens Blvd.

5. Neither Windels Marx nor I hold or represent any interest adverse to 138-77 Queens Blvd, or any party herein, in connection with the matters upon which it is to be engaged.

6. I am the attorney who will bear primary responsibility for the representation whose authority is sought herein.

7. I have read and am generally familiar with the Federal Rules of Bankruptcy Procedure together with current amendments, the Local Rules of this Court, and this Court's Individual Practices.

8. Windels Marx and I are competent to represent the interests of the entity on whose behalf representation is now sought in all proceedings now pending or that may reasonably be expected.

9. Windels Marx and I are disinterested persons within the meaning of Bankruptcy Code § 101(14).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 22nd day of April, 2021.

/s/ Alan Nisselson
Alan Nisselson, Esq.